

**OUTLINE OF ATTACHMENTS AND SLIDES
FOR PRESENTATION TO LAHONTON BOARD -MARCH 9, 2017 at 8:30am
DONNER LAKE POLLUTION PROBLEMS
By Emilie Kashtan**

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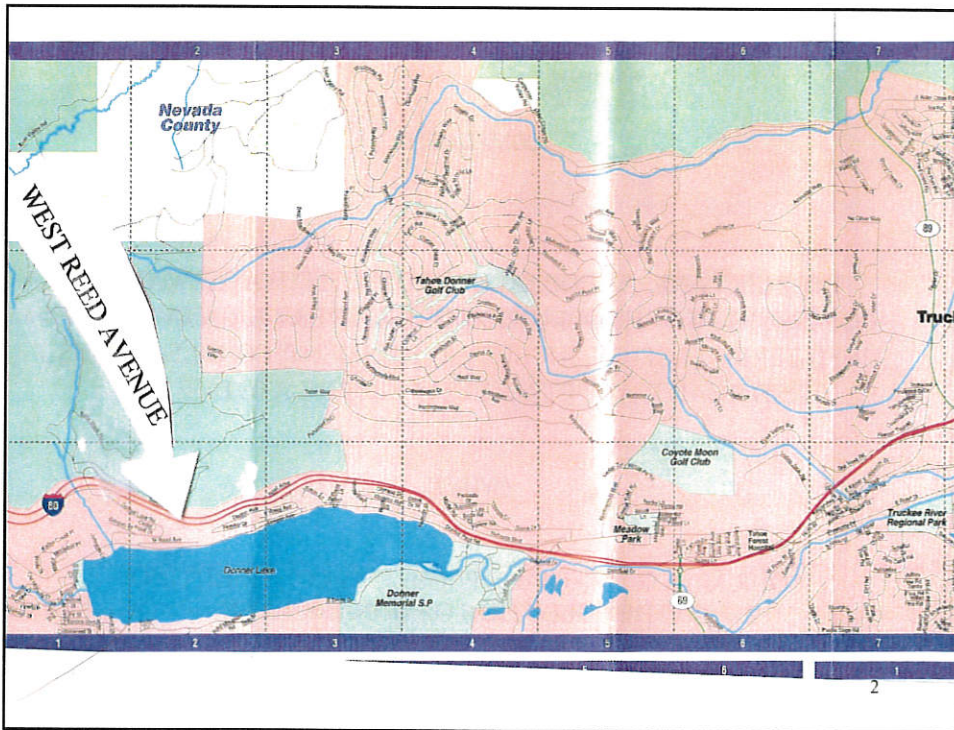
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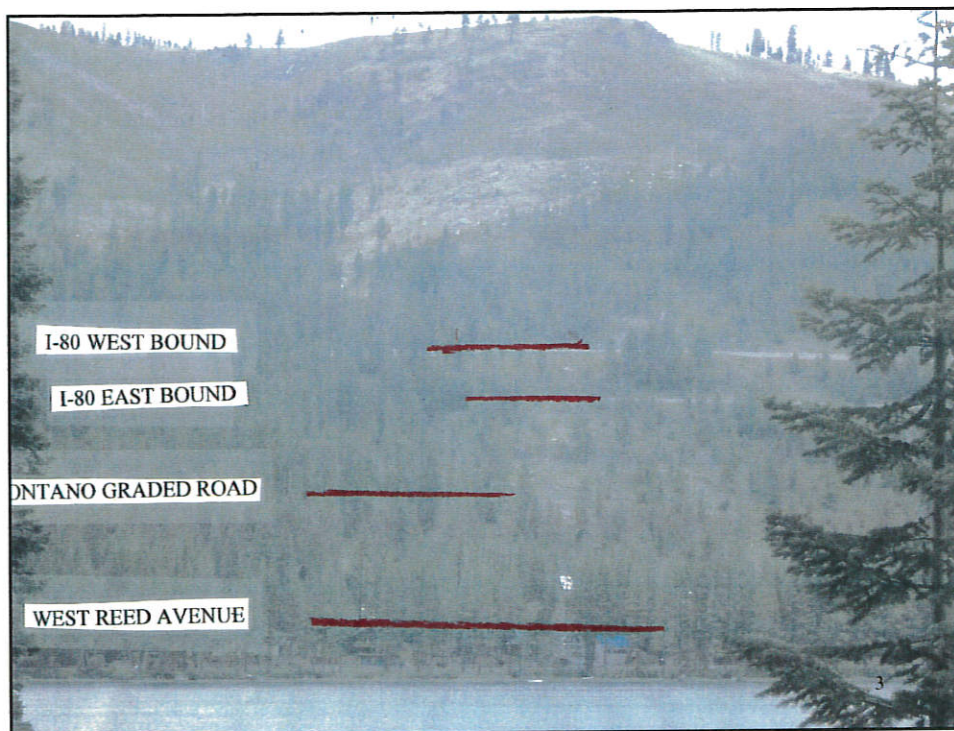
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DONNER LAKE POLLUTION PROBLEM

PRESENTED BY EMILIE KASHTAN

MARCH 9, 2017





COMPLAINT:

DONNER LAKE, A FEDERALLY PROTECTED WATERWAY IS CONTINUING TO BE POLLUTED DURING EVERY RAIN EVENT BY UNFILTERED EROSION, INCLUDING SEDIMENT, COBBLE, DEBRIS AND ROAD WAY PETROLEUM PARTICULATE DUE TO:

(WHY?)

FOUR MAJOR DRAINAGE PROBLEMS CONTRIBUTING TO THE POLLUTION OF DONNER LAKE

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FOUR MAJOR DRAINAGE PROBLEMS CONTRIBUTING TO THE POLLUTION OF DONNER LAKE:

1. COURT IDENTIFIED UNDER ENGINEERED INTERSTATE 80 CULVERTS CAUSING SHEETING DRAINAGE AND EROSION DUE TO THE LACK OF CULVERTS AND MAINTENANCE OF DRAINAGE DITCHES



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2. A GRADED ROAD ACROSS THE HILLSIDE ON THE MONTANO PROPERTY IN ASSOCIATION WITH THE TRUCKEE DONNER PUD, BOTH SIDE STEPPING TOWN REQUIRED DRAINAGE MITIGATIONS THAT THE TOWN HAS YET TO ENFORCE, POSSIBLY DUE TO A CONFLICT OF INTEREST. CAUSING MASSIVE HILLSIDE SHEETING AND EROSION DUE TO LACK OF DRAINAGE STRUCTURES



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3. THE TOWN OF TRUCKEE FAILING TO MINIMALLY MAINTAIN THEIR PUBLIC RIGHT OF WAY, WEST REED AVENUE'S DRAINAGE DITCHES, CLOGGED UNDER ROAD CULVERTS AND THE ROAD SURFACE, ALL CAUSING EXCALATING PROPERTY DAMAGE, ROAD DISTRUCTION AND FLOODING INTO DONNER LAKE



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4. THE TOWN'S "DONNER LAKE ROAD BIKE AND DRAINAGE PROJECT " HAS COMPROMISED DRAINAGE IN IN SELF ADMITTED COST CUTTING MEASURES CAUSING SHEETING ACROSS THE ROAD AND INTO DONNER LAKE



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**A simple rain event continues to cause flooding
from the lack of maintained drainage structures on W. Reed Avenue, causing
property erosion and sheeting of unfiltered erosion and drainage sheeting into Donner Lake
July 2016 at 15034 Donner Pass Road**



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We are concerned that this may be in violation of:

-THE FEDERAL WATER POLLUTION CONTROL ACT (CLEAN WATER ACT)

-CALIFORNIA'S "STORM WATER MANAGEMENT PROGRAM"

-TRUCKEE'S "STORM WATER MANAGEMENT PROGRAM"

-NEVADA COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) RESOLUTION 92483, TERMS FOR INCORPORATION

-CALIFORNIA STREETS & HIGHWAY CODES FOR MAINTENANCE

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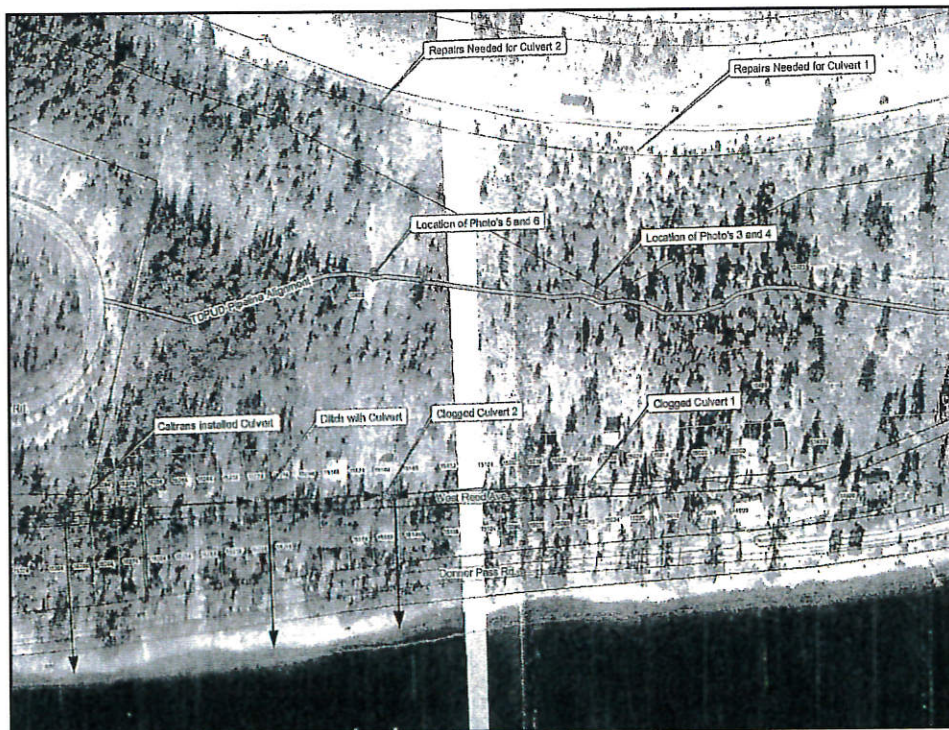
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THREE INDEPENDENT ASSESSMENTS REPORTS HAVE BEEN COMPLETED ON THE DRAINAGE, EROSION AND DAMAGE OCCURING FROM I-80 TO THE GREEN POINT SUBDIVISION

1. "PROPOSED MONTANO RESTORATION WETLAND PLAN" BY INLAND ECOSYSTEMS, SEPTEMBER 2004

2. "AN ASSESSMENT OF SURFACE WATER RUNOFF AND EROSION ABOVE AND BELOW WEST REED AVENUE", TRUCKEE, CA. BY INLAND ECOSYSTEMS, JULY 2006

3. "EROSION AND WATER QUALITY REPORT" & "ASSESSMENT SUMMARY", TRUCKEE RIVER WATER SHED COUNCIL SEPTEMBER 16, 2016



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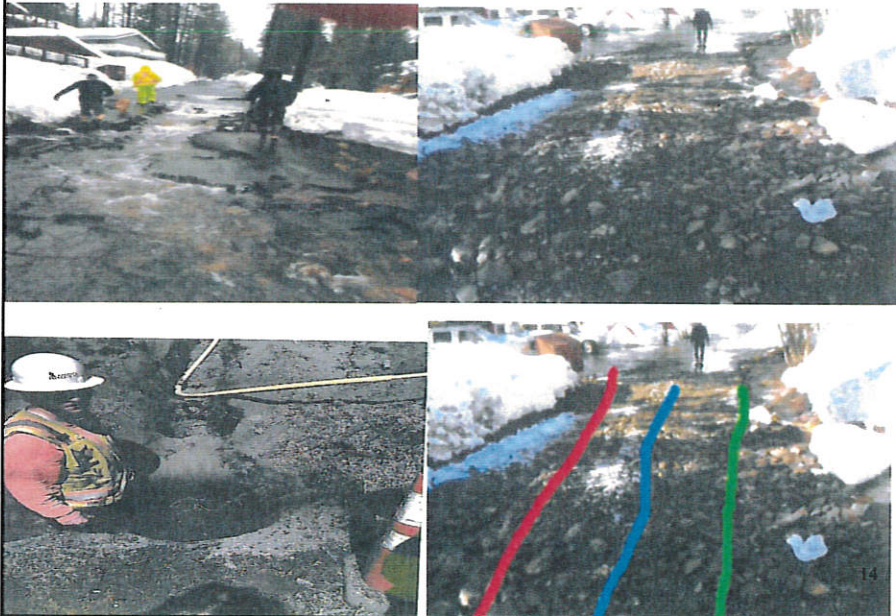
WEST REED EROSION AND FLOODING AROUND UTILITIES DUE TO A LACK OF DRAINAGE DITCHES



Photo 11.
Eroded water utilities on West Reed Avenue.

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WEST REED AVENUE-THE RESULT OF THE TOWN DIVERTING DRAINAGE OFF DONNER LAKE AND NOT REPAIRING THE PARRELL UNDER ROAD CULVERTS



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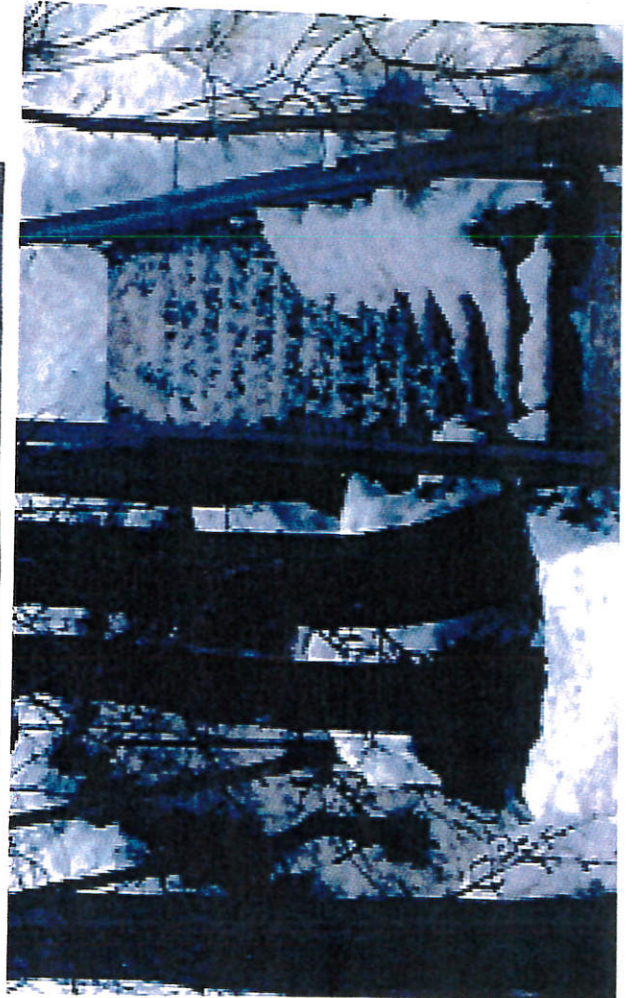
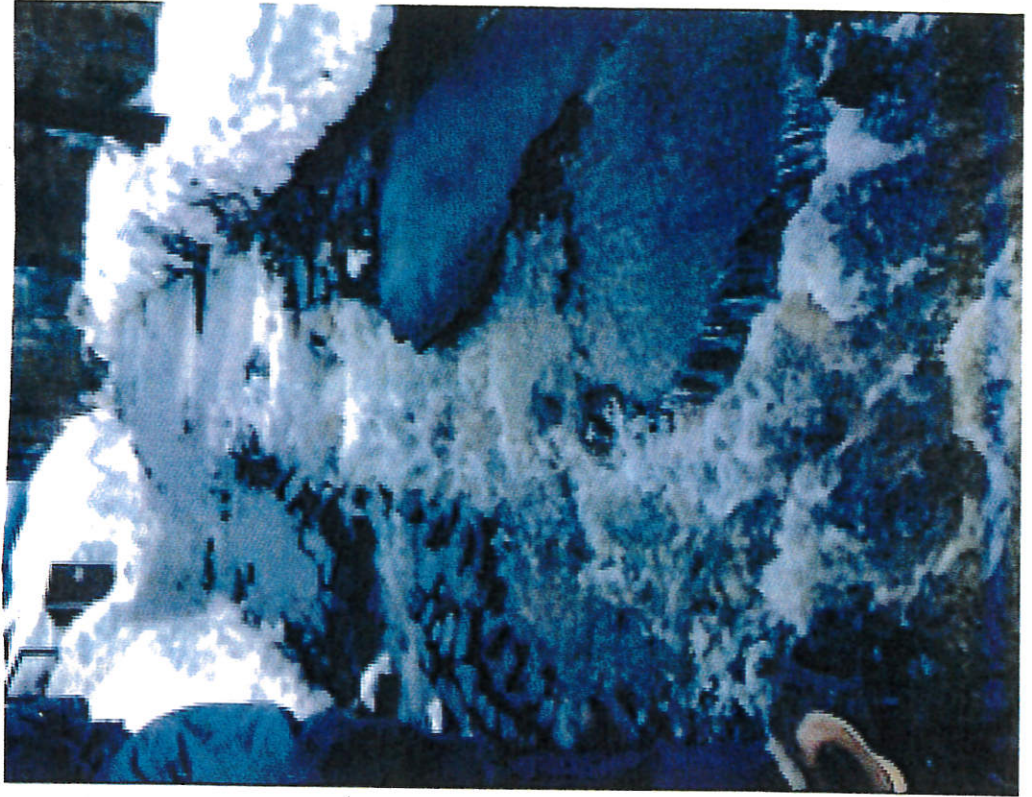
SECTION 1



DONNER LAKE POLLUTION PROBLEM

PRESENTED BY EMILIE KASHTAN

MARCH 9, 2017





ATTACHMENT 1

**LETTER TO SCOTT FERGUSON,
DECEMBER 8, 2015**



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December 8, 2014

To: Scott Ferguson
Lahonton Regional Water Quality Control
Enforcement & Speical Project
2501 Lake Tahoe Blvd.
So. Lake Tahoe, Ca. 96150

Mr. Ferguson,

On behalf of a majority of Greenpoint property owners, we are submitting this complaint and asking your agency to look into why the Town of Truckee has ignored complaints and failed for years (1995-2014) to properly maintain the drainage ditches, culverts and a safe and intact road surface on the public road, West Reed Avenue, the only roadway in this residential neighborhood, which is located directly above Donner Lake in the Truckee town limits. We feel that this may be in violation of:

- The Federal Water Pollution Control Act (Clean Water Act)
- Truckee's "Storm Water Management Program" (Attachment 1)
- Nevada County Local Agency Formation Commission, Resolution 92-06 (Attachment 2)
- Nevada County Resolution No. 92483 (Attachment 3)
- California Streets & Highway Codes (Attachment 4)

The problems involving the culverts, road surface and drainage were well identified in an independent report by Inland Ecosystems in 2006, in "An Assessment of Surface Water Runoff and Erosion Above and Below West Reed Avenue, Truckee, Ca" (Attachment 5). Despite this report, the Town has not repaired and maintained the drainage structures with drainage becoming more problematic for Donner Lake and the Truckee River.

The Town has issued encroachment permits (Attachment 6) and citations to Green Point property owners along this roadway, (Attachment 7) as well as permits authorizing a capital improvement project between the Tahoe Donner PUD and Southwest Gas to joint trench the entire length of the roadway to install the exclusive water line and gas line which supplies the west and south Donner basin (Attachments 8). Various permitted construction projects have damaged, clogged and filled drainage ditches and culverts, as a direct result of the Town's poor oversight and lack of maintenance of these structures. This has led to flooding, sediment and cobble, sheeting across the roadway and down the hillside, causing erosion that sends pollutants and sediment into Donner Lake and the Truckee River and potentially could cause undermining of the hillside. Heavy construction equipment has damaged the road surface and produced cracks and dangerous potholes, all that contribute to the drainage and erosion problems (Photographs-Attachment 9).

While the legal definition of this road, has not yet been challenged in court, The Town has identified it as "public". There have been two lawsuits involving Caltrans with Green Point property owners prevailing, regarding drainage and damage, one continuing to remain open for

further recourse. Please see attached list of Property owners having damage or witnessing Nevada Co. Maintenance (Attachment 10)

When approached as far back as 1995 and most recently in April 2014 (Attachment 11), the Town has refused under various excuses, particularly money, to properly maintain the drainage structures on this roadway. When citizens voted to incorporate in 1993, Nevada County LAFCO specifically reviewed that the Town was fiscally capable of assuming all Town-limit roadways' expenses (Attachment 2 &3). The corner stone of the Town's position to incorporate was that they would better maintain the roads and drainage associated structures. This simply has not occurred with the public West Reed Avenue.

West Reed Avenue, the only road in Green Point Subdivision, above Donner Lake, was dedicated and accepted by Nevada County and placed into the County Road System in 1924 (Attachment 12 &13). When the County approved Green Point's 1947 CC&Rs (Attachment 14), there was no requirement for road maintenance, which would have been required by the 1937 California Subdivision Act, because the road was already under the Nevada County Maintenance System (Attachment 15). Failure to require road maintenance would have violated the 1937 Subdivision Map Act.

The road has never gone through any part of an abandonment process, and being above Donner Lake and below Interstate 80, with strategic and exclusive underground utilities of water and gas and overhead connecting electric lines, it is in the public interest and use.

No part of the road is reflected on any private deed, nor is there a private "parcel number" assigned to the road. All available documents reinforce the INTENT to keep the roadway public, including the Town of Truckee's conduct of issuing encroachment and construction permits along the roadway. The Town's most recent "label" for this roadway is that it is an "unmaintained public road" that is non-conforming. The Town assumed under incorporation 97 non-conforming roads, so West Reed is no exception, especially since it falls under pre 1937 common laws.

It is our understanding, despite what the Town decides to "label" the road, this doesn't relieve the Town, according to California Streets and Highway Codes (Attachment 4) and Federal and State Laws, including the Federal and State Clean water Act and the Town's own Storm Management Program (Attachment 1), of at least minimal requirements, which include maintaining drainage ditches, under road culverts and a road surface that doesn't allow sheeting and erosion that would lead to sediment and roadway pollutants entering Donner Lake and the Truckee River.

We believe that these drainage issues fall under your authority to enforce. Should it be necessary, we welcome further discussion of this matter and would gladly provide your agency with further documentation that supports the points in this complaint.

Please direct your response to: Green Point Property Owners, 15234 Donner Pass Road, Truckee, Ca. 96161. Our spokesperson, Ms. Kashtan can also be reached at (916) 4020777 or ekashtan@prodigy.net for questions or to provide additional requested documents.

We also request that this complaint be considered confidential, as the Town has been hostile to Green Point property owner's complaints, and the fear of retaliation from some members of the Town is very real.

Respectfully,

Mark Vernon
Bruce Vernon
Scott McCoy
Greg Henderson
Emilie Kashtan

cc:EPA-Water Quality



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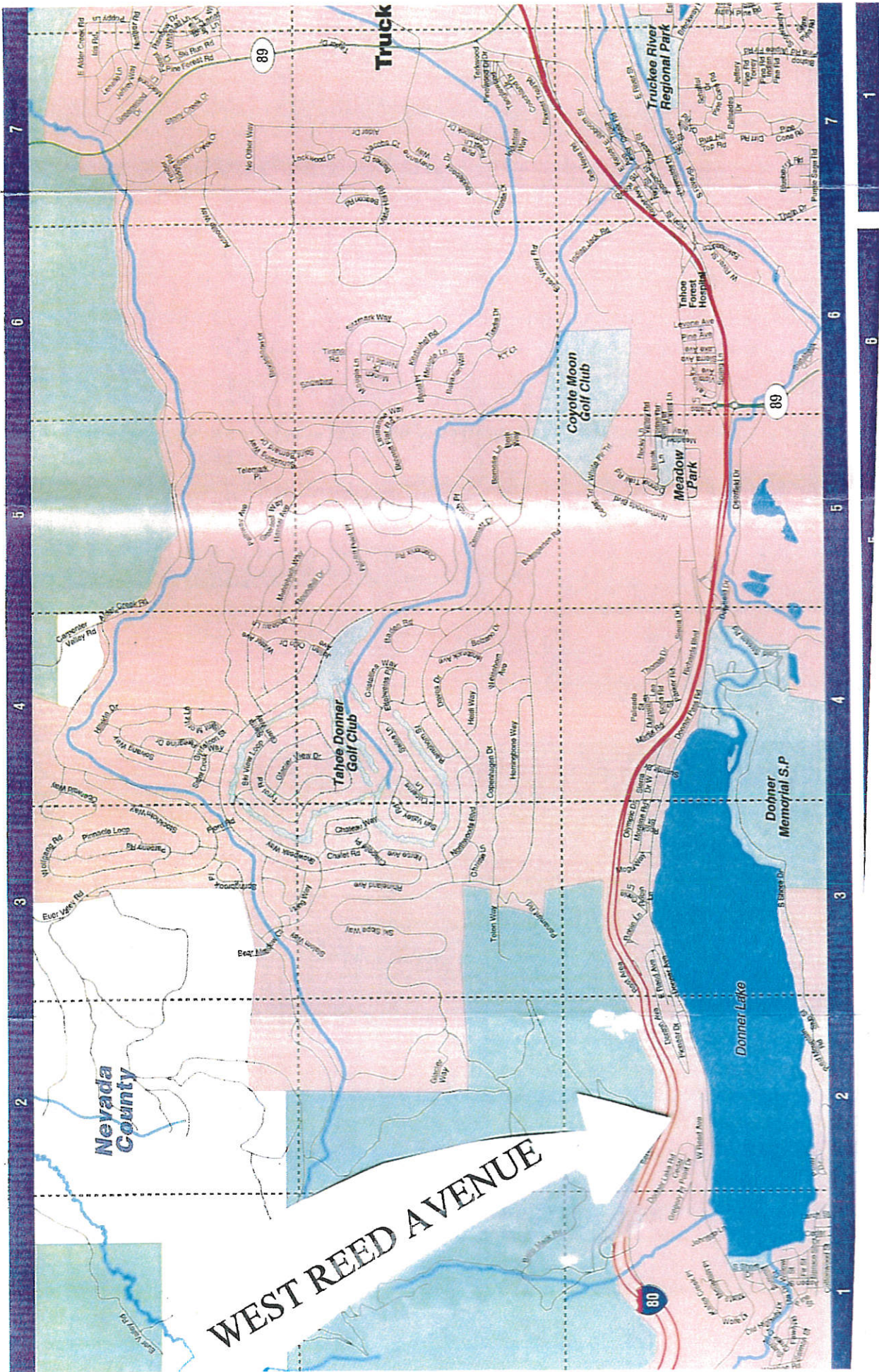
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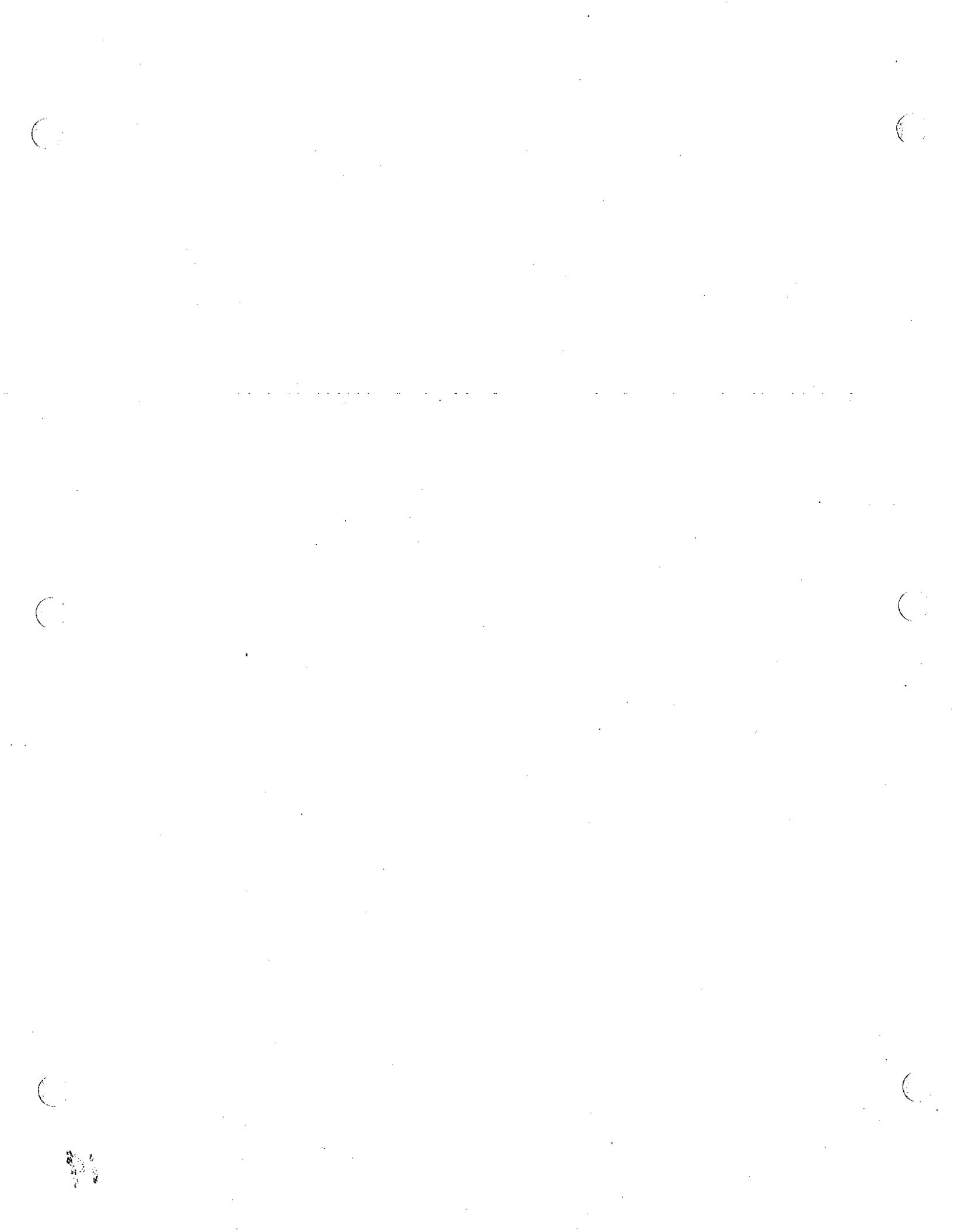
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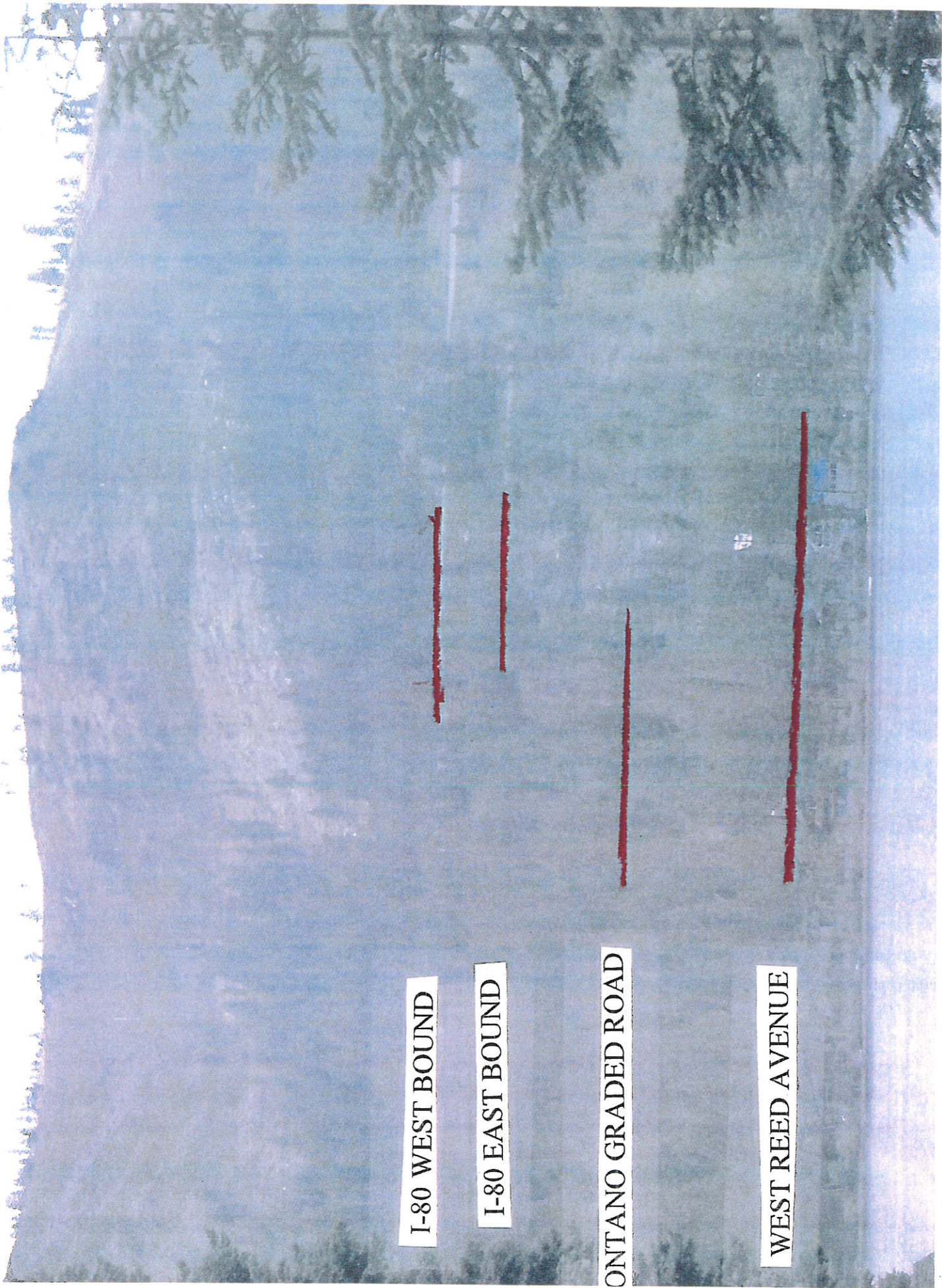
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WEST REED AVENUE





I-80 WEST BOUND

I-80 EAST BOUND

ONTANO GRADED ROAD

WEST REED AVENUE



SECTION 3

COMPLAINT:

DONNER LAKE, A FEDERALLY PROTECTED WATERWAY IS CONTINUING TO BE POLLUTED DURING EVERY RAIN EVENT BY UNFILTERED EROSION, INCLUDING SEDIMENT, COBBLE, DEBRIS AND ROAD WAY PETROLEUM PARTICULATE DUE TO:

(WHY?)

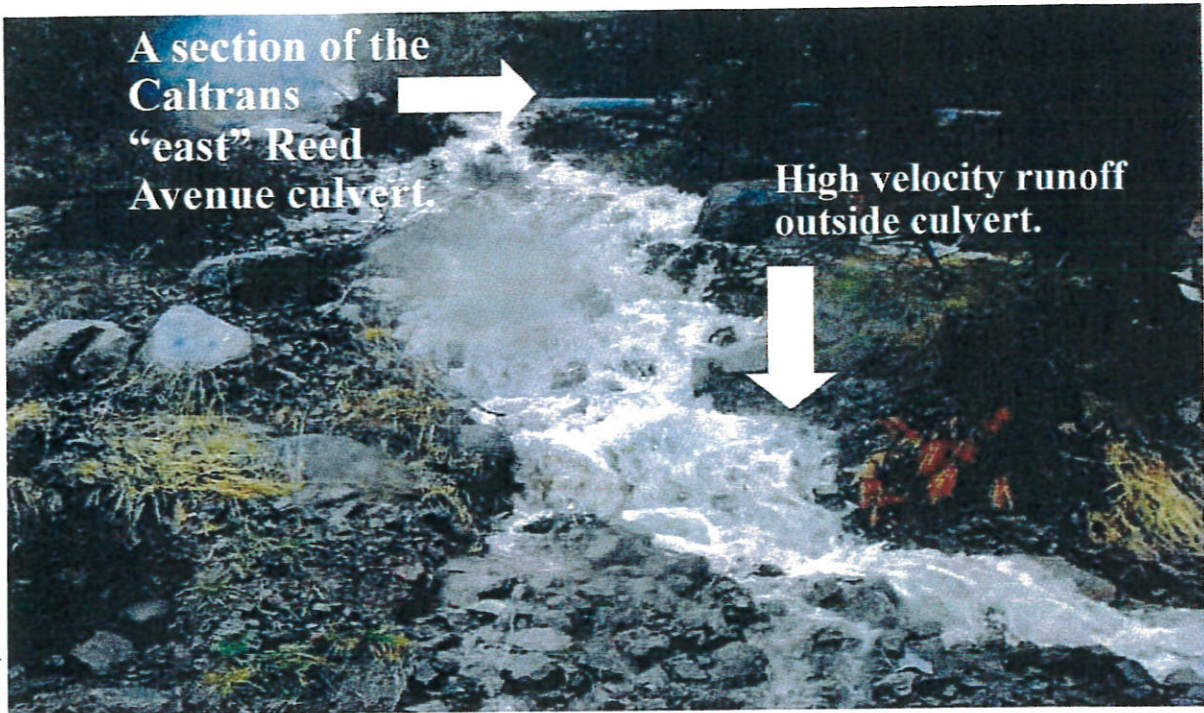
FOUR MAJOR DRAINAGE PROBLEMS CONTRIBUTING TO THE POLLUTION OF DONNER LAKE



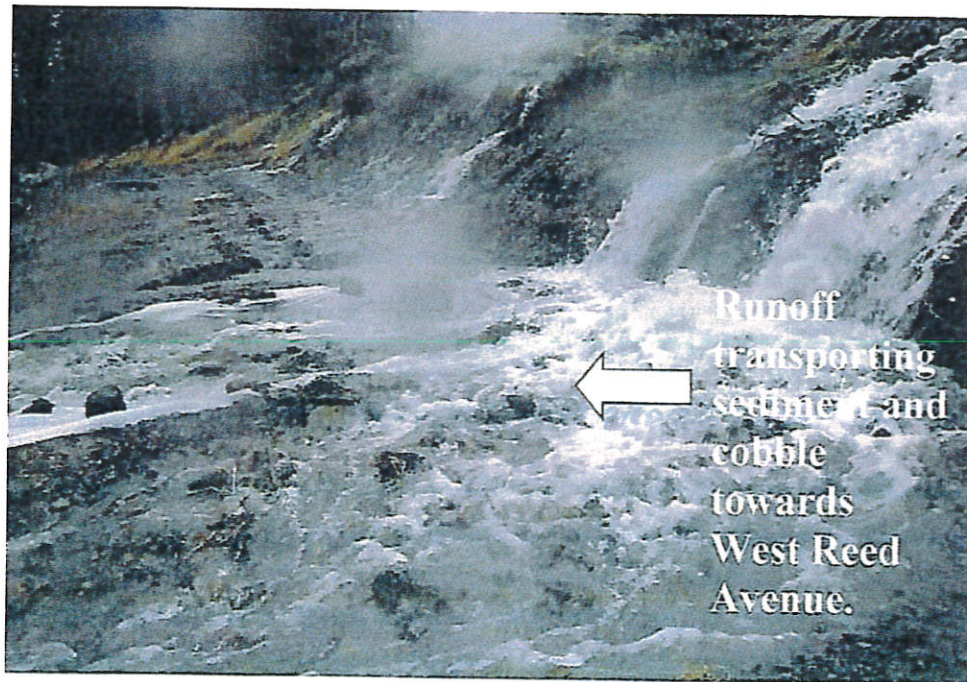
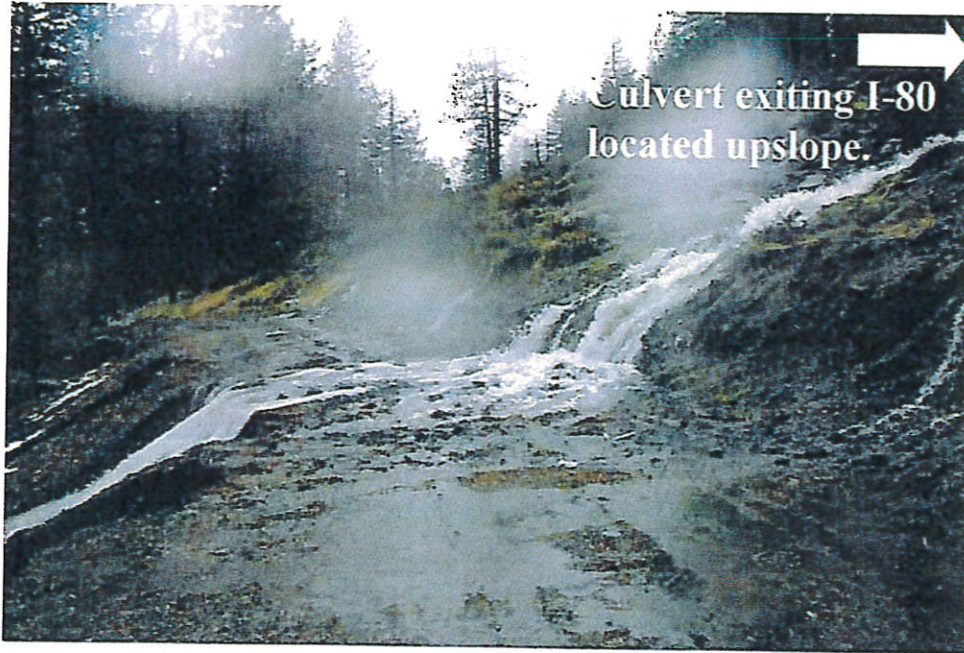
Photo 1. Looking upslope along at the Caltrans culvert on the east end of the hillside above West Reed Avenue. Photo taken June 6, 2006.



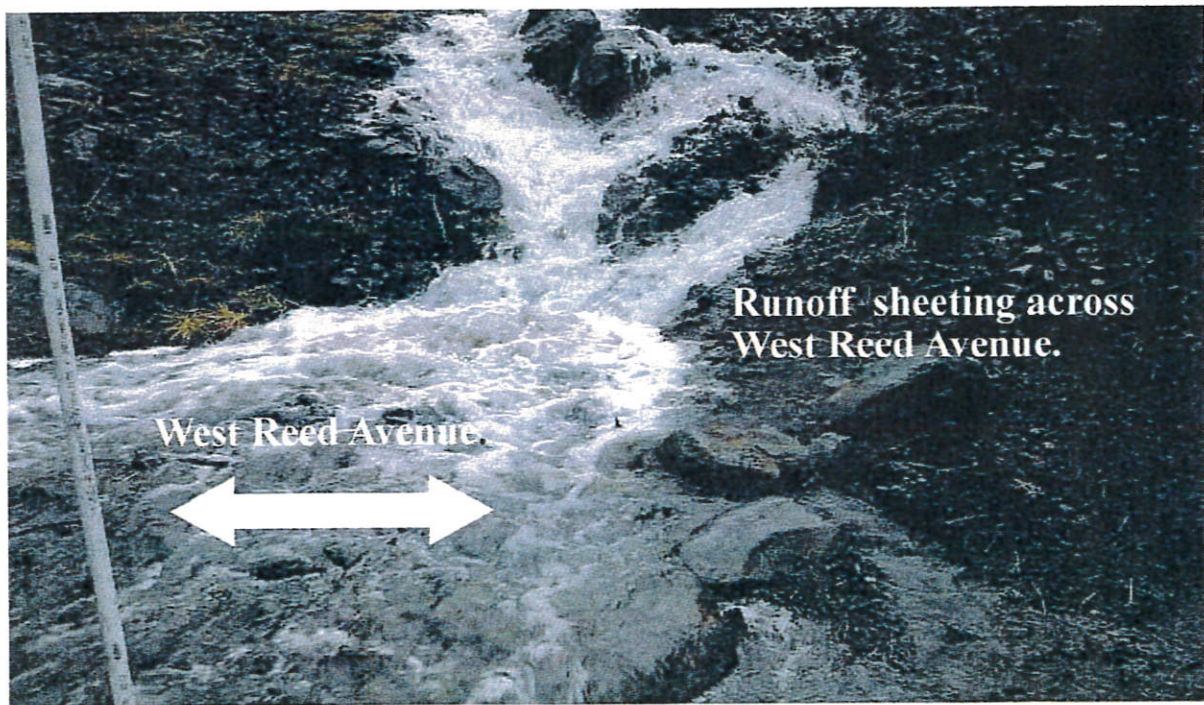
Photo 2. Looking downslope along the culvert where eroded material is being transported down the hillside above West Reed Avenue. Photo taken June 6, 2006.



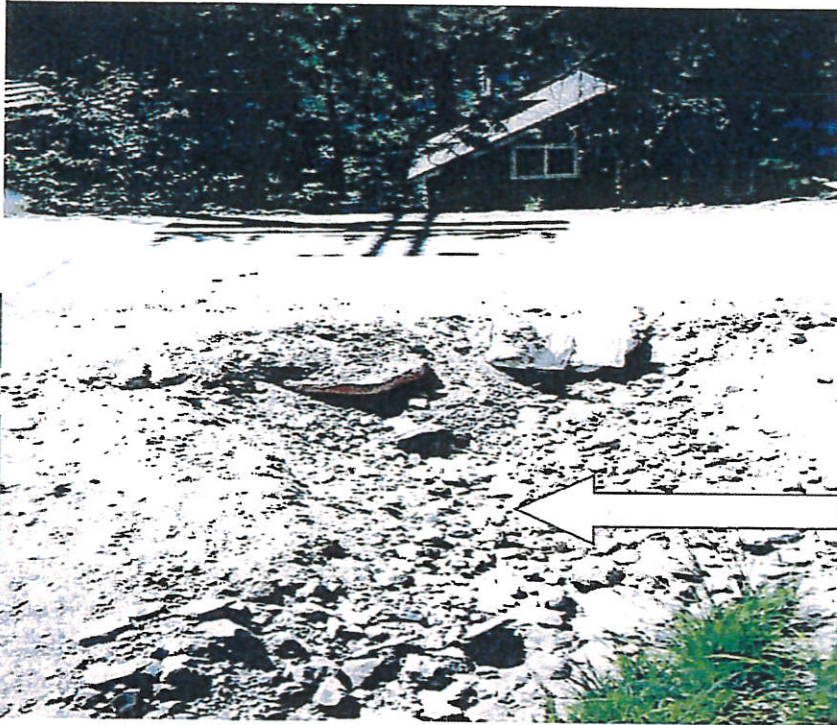
Photos 3 and 4. High velocity runoff outside Caltrans culvert and eroded material being transported downslope. Photo taken December 31, 2005.



Photos 5 and 6. Culvert runoff from I-80 flowing towards West Reed Avenue. Photos taken December 31, 2005.



Photos 7 and 8. Runoff discharging from culverts under I-80 moving downslope towards West Reed Avenue. Photos taken December 31, 2005.



Culverts are clogged and one is completely buried with sediment, cobble, and gravel from uphill erosion.

Photo 9. Culverts on the north shoulder of West Reed Avenue have been clogged by debris transported down the hillside. Photo taken May 29, 2006.



Photo 10. A culvert outfall on the south side of West Reed Avenue does not convey runoff effectively as debris clogs the inlet on the north side of the road. Photo taken May 29, 2006.



Photo 11.
Eroded water utilities on West Reed Avenue.



Photo 12.
Sheeting across West Reed Avenue



Photo 13.
Eroded water utilities on West Reed Avenue.



New
Drainage
Ditch.

Photo 14. A new drainage ditch below West Reed Avenue that was being dug on May 29, 2006 to convey runoff to Donner Pass Road.



Photo 15. Between the residences of 15214 and 15234 Donner Pass Road runoff was observed sheeting across the road during several of the 2005/2006 rain storms (E. Kashtan, pers. comm. 2006). Vehicles kick up both water and erosion debris that can impact garages.



Photo 17.

A drainage ditch should be established along the north shoulder of West Reed Ave. Photo taken May 29, 2006.



Photo 18.

Another proposed location for a ditch along the north shoulder of West Reed Ave. Photo taken May 29, 2006.



Erosion has occurred on the Cedar Point alignment from I-80 culvert runoff and needs to be repaired and restored.



This drainage channel eroded due to high velocity runoff

Photos 21 and 22. Areas along the Cedar Point Pipeline Alignment that require improvements. Photos taken May 29, 2006.



Photo 26. The west end of the TDPUD’s Cedar Point pipeline alignment through the Robert Montano property that is planned for asphalt paving. Photo taken December 31, 2005.

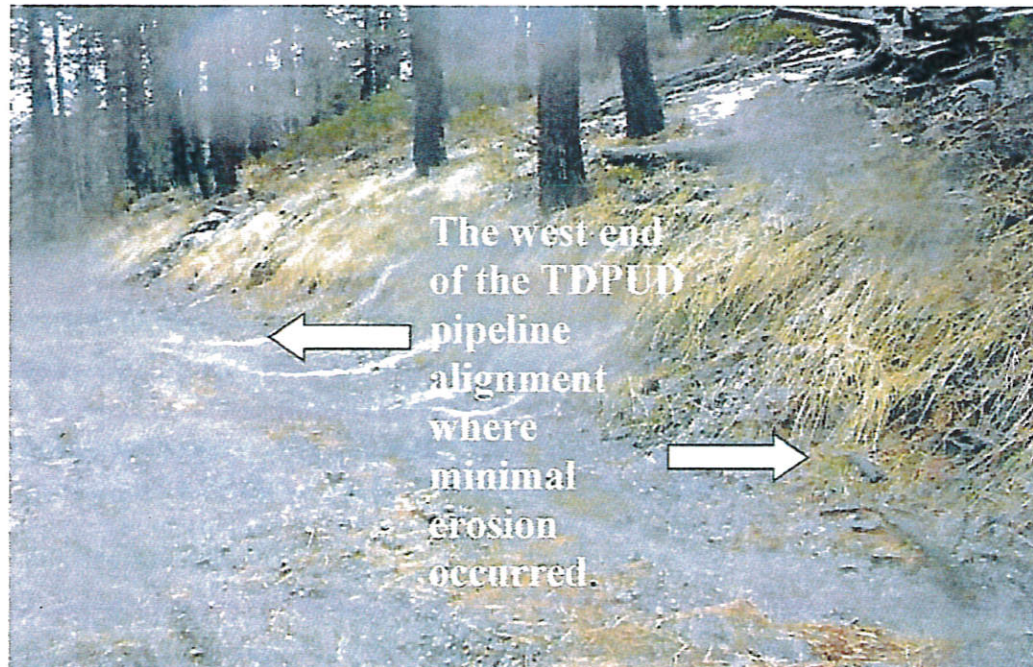


Photo 27. A section of the west end of the TDPUD’s Cedar Point pipeline alignment. No substantial erosion is occurring along the alignment. Photo taken December 31, 2005.

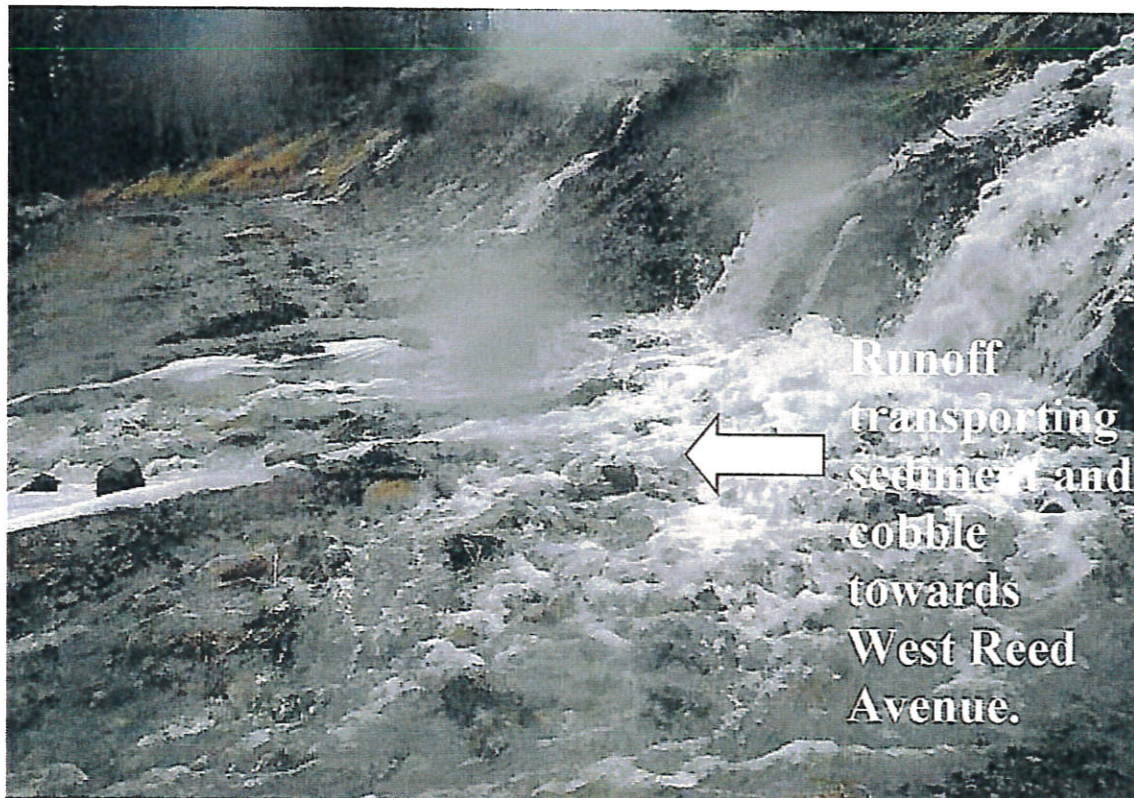
SECTION 4

FOUR MAJOR DRAINAGE PROBLEMS CONTRIBUTING TO THE POLLUTION OF DONNER LAKE

A. INTERSTATE 80 ABOVE GREEN POINT SUBDIVISION



B. A GRADED ROAD ON THE MONTANO PROPERTY



C. WEST REED AVENUE'S LACK OF DRAINAGE STRUCTURES



D. DONNER PASS ROAD BIKE AND DRAINAGE PROJECT DEFECTS



NE 35

A simple rain event continues to cause flooding from the lack of maintained drainage structures on W. Reed Avenue with unfiltered erosion and drainage sheeting into Donner Lake

December 8, 2016 at 15224 Donner Pass Road



A simple rain event continues to cause flooding

from the lack of maintained drainage structures on W. Reed Avenue, caused by drainage diversions from Donner Lake Road, with unfiltered erosion and drainage sheeting into Donner Lake

January 2017 at 15446 Donner Pass Road



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**A simple rain event continues to cause flooding
from the lack of maintained drainage structures on W. Reed Avenue, causing
property erosion and sheeting of unfiltered erosion and drainage sheeting into Donner Lake**

July 2016 at 15034 Donner Pass Road



PE

Two more simple day rain events, with increased drainage and erosion at 15034 Donner Pass Road causing increased unfiltered erosion, flooding and sheeting Across Donner Pass Road and into Donner Lake, due to a clogged and unmaintained under road culvert on West Reed Avenue

December 2016



February 9, 2017



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EROSION CAUSED BY SHEETING DRAINAGE ACROSS DONNER PASS ROAD
UNDERMINING DOCKS, TREES AND ROAD SIDE RIGHT OF WAY





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